

Appl. No. : 10/688,771
Filed : October 16, 2003

REMARKS

Claims 18-20, 32-33, 48, and 64-81 have been canceled. Claims 31, 34-36, and 47 have been amended. Support for these amendments can be found at least in the original claims. After consideration of the following remarks, withdrawal of the rejections is requested.

Discussion of Allowable Subject Matter

In the Office Action, Claims 33-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 33 previously depended from Claim 32, which depended from Claim 31. Claim 31 has been amended to include the features of Claims 32 and 33. Accordingly, Applicant respectfully submits that Claim 31, as amended, is in condition for allowance.

Claims 34 and 35 have been amended to claim from Claim 33. Accordingly, Applicant respectfully submits that Claims 34 and 35 are additionally in condition for allowance.

Discussion of Claims Rejected Under 35 U.S.C. § 102(e) and § 102(b)

Claims 18, 19, 31, 32, 36, 47, and 49 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yadav et al. (U.S. 6,946,197). Yadav discloses a sensor device with nanopores. See abstract. Claims 18, 19, 31, 32, 36, 47, 49, and 50 are rejected under 35 U.S.C. § 102(b) as being anticipated by Case et al. (U.S. 5,328,847). Case discusses a biosensor. See abstract. Claims 18, 19, 31, and 47 are rejected under 35 U.S.C. § 102(b) as being anticipated by Northrup et al. (U.S. 6,004,450). Northrup discusses "fabrication and use of porous silicon structures to increase surface area of heated reaction chambers." See abstract.

Claims 18, 19, and 32 have been canceled, rendering the rejections of these claims moot.

In addition, Claims 31 and 47 have been amended to include the features of previous allowable Claim 33. Accordingly, Applicant respectfully submits that Claims 31 and 47 are allowable.

In addition, Applicant does not necessarily agree with the Examiner's characterization of Yadav, Case, and Northrup with regard to the dependent Claims, and respectfully submits that the dependent claims are in condition for allowance because of the features which they inherit from Claims 31 and 47, from which they respectively depend, and for their own features.

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Conclusion

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested. If the Examiner has any questions which may be answered by telephone, he is invited to call the undersigned directly.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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By: 

John M. Carson
Registration No. 34,303
Attorney of Record
Customer No. 20,995
(619) 235-8550

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